

Hon. David T. Wall (Ret.)  
JAMS  
3800 Howard Hughes Pkwy., 11<sup>th</sup> Floor  
Las Vegas, NV 89169  
Phone: (702) 457-5267  
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*Arbitrator*

**MEMO ENDORSED**

**JAMS**

ELECTRUM PARTNERS, LLC; LESLIE }  
BOCSKOR, } Ref. No. 1260004622

Claimants, }

v. }

CLOUD 12 GROUP, INC.; RUSSELL }  
MAITLAND, as executor of Estate of }  
PAMELA JOHNSTON, }

Respondents. )

**ORDER ON RESPONDENTS'  
MOTION TO COMPEL AND  
MOTION TO EXTEND  
DISCOVERY; SCHEDULING  
ORDER #7**

On April 29, 2021, Respondents filed a Motion to Compel and Motion to Extend Discovery. Pursuant to a briefing schedule issued by the Arbitrator, Claimants filed a timely Opposition on May 14, 2021, and Respondents filed a timely Reply Brief on May 18, 2021. Claimants did not significantly oppose Respondents' substantive discovery requests and concurred in the request to extend deadlines to accommodate the necessary discovery still to be completed.

On May 20, 2021, a hearing on the Motions was conducted telephonically. Participants included the Arbitrator, Hon. David T. Wall, Ret; Claimant's counsel Nathan Sooval, Esq.; and Respondent's counsel John T. Brennan, Esq., and Christopher J. Richardson, Esq.

Based upon the pleadings and papers on file herein and the presentations of counsel during the telephonic hearing, the Arbitrator hereby finds as follows:

Respondents' Motion to Compel is GRANTED IN PART and DENIED IN PART. The Motion to Compel is GRANTED to the extent that Claimants are ordered to supplement all of the written discovery requests identified in Respondents' Motion in compliance with the Scheduling Order set forth below. Claimants are also ordered to supplement their initial disclosures to include accurate contact information for witnesses identified therein in compliance with the Scheduling Order set forth below, and to produce Claimant Bocskor, Diane Katz and any FRCP 30(b)(6) witnesses identified by Claimants as responsive to Respondents' requests. The Motion to Compel is DENIED to the extent it requests an award of attorneys' fees and/or costs for the instant Motion, which the Arbitrator declines to award at this time pursuant to FRCP 37(a)(5)(A)(iii). The Motion also requested an Order from the Arbitrator declaring that any failure by Claimants to produce the information required herein will trigger an Order to Show Cause why case-concluding sanctions should not issue. While the ability of any party to seek sanctions is not foreclosed herein, the Arbitrator declines to grant Respondents' request for such an Order at the present time.

Respondents' Motion to Extend Discovery is hereby GRANTED WITHOUT OPPOSITION, which necessitates a continuance of the Arbitration Hearing in this matter. During the telephonic hearing, the following schedule for the proceedings was agreed upon by counsel, and it is hereby ORDERED, as follows:

SCHEDULING ORDER #7

May 28, 2021	Deadline for Claimant to Supplement Initial Disclosures Pursuant to FRCP 26(a)(1)(A)(i)
June 18, 2021	Deadline for Claimant to Supplement Written Discovery Responses
August 13, 2021	Close of Discovery
September 17, 2021	Deadline for Filing Dispositive Motions

October 1, 2021	Deadline for Filing Oppositions to Dispositive Motions
October 11, 2021	Deadline for Filing Reply Briefs re: Dispositive Motions
October 29, 2021	Deadline to Submit Joint Exhibit List with Separate List of Objections to any Joint Exhibits; Deadline to Submit and Serve Arbitration Brief Pursuant to JAMS Rule 20(a) & (b)
November 8-12, 2021	Arbitration Hearing at JAMS Las Vegas office at 9:00 a.m.

Additionally, the Arbitrator hereby notes that, as expressed at the telephonic hearing, the parties have agreed that this Scheduling Order, as amended, provides sufficient time to conduct necessary discovery and prepare for the Arbitration Hearing, as such will not be extended absent extraordinary circumstances.

#### Miscellaneous

All documents filed in this matter shall be submitted electronically through the JAMS Electronic Filing System (“JAMS Access”) which can be accessed through the JAMS website or directly at [www.access.jamsadr.com](http://www.access.jamsadr.com). All discovery documents, other than document productions, shall be served electronically through JAMS Access. Unless otherwise instructed or included as part of a JAMS filing, the parties shall serve discovery documents on counsel only (and not on the arbitrator) by utilizing the ‘Classification – Exclude Neutrals’ functionality on the upload screen.

Other documents relating to the case, such as correspondence between counsel, may be transmitted through JAMS Access.

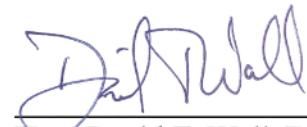
The electronic file for this matter will be made accessible to JAMS personnel, the arbitrator(s), claimant counsel, and respondent counsel. Counsel may also request that their

client(s) and other attorneys and/or professional staff members from their firm be provided access. Requests regarding additional attorneys shall be made to the Case Manager. Other users may be added by counsel as soon as they are registered on JAMS Access.

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Dated: May 20, 2021



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Hon. David T. Wall (Ret.)  
Arbitrator

Although the above arbitration order submitted by Plaintiff is dated May 20, 2021, the Court understands that this order constitutes Plaintiff's status update and that the arbitration hearing will be held on November 8-12, 2021. Plaintiff is hereby ORDERED to provide a further status update on or before November 19, 2021.

Dated: August 30, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE